

October 28, 2016

Direct: (213) 452-6550

Jeff S. Jordan
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: FEC MUR 7131
Our File No.: SVC3435.001

Dear Mr. Jordan:

We are writing as counsel to Senior Votes Count in response to the complaint filed by Brian Griset on August 22, 2016 ("the "Complaint"), in MUR 7131.

Introduction

The Complaint was filed against Congresswoman Carol Shea-Porter, a member of her Congressional staff, Susan Mayer, and Senior Votes Count, alleging violations of, among other provisions, 11 C.F.R. Sections 109.21 and 104.3. The Complaint contains unsubstantiated allegations that Senior Votes Count coordinated a \$3,000 radio advertisement with Congresswoman Shea-Porter and her campaign, and that Senior Votes Count intentionally falsified and delayed reporting its activities. The Complaint is purely speculative and does not provide any factual or legal basis for asserting a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") or Commission regulations. Consequently, there is no reason to believe that Senior Votes Count may have violated any provision of the Act, and the Commission should dismiss the complaint with respect to Senior Votes Count.

Analysis

Senior Votes Count ("SVC") is a non-connected committee that was established to help elect leaders who will protect and advance the rights of older Americans. SVC is composed of volunteers who work tirelessly to promote candidates that have made a commitment to protect Social Security, Medicare and Medicaid, support the Affordable Care Act, and to encourage prospective voters to participate in the political process. SVC registered with the FEC as a non-connected committee on March 28, 2014. Jon Bauman, one of the Committee's co-founders, is a performer who is best known as "Bowzer" from the hit TV series and musical group, "Sha Na Na." Since 2004, Mr. Bauman has traveled the country delivering personal endorsements and making appearances in support of dozens of Democratic congressional candidates.

The Complaint alleges coordination between Mr. Bauman and Congresswoman Shea-Porter and/or Ms. Mayer for a radio advertisement reported by SVC totaling \$3,000. Under Commission regulations, a communication is coordinated, and therefore treated as a non-monetary contribution to a candidate, if the communication is: (1) paid for, in whole or in part, by a person other than that candidate; (2) satisfies at least one of the content standards; and (3) satisfies at least one of the conduct standards set forth in the regulations, such as a request or suggestion by the candidate, or material involvement by the candidate. (See 11 C.F.R. §109.21(a).)

The Complaint refers to a number of campaign and election-related events where Mr. Bauman and Congresswoman Shea-Porter were in attendance. In fact, the Complaint includes a hyperlink to a photograph of Mr. Bauman and Congresswoman Shea-Porter taken at a Congressional debate on October 21, 2014. Complainant also includes another photograph of Mr. Bauman, Congresswoman Shea-Porter and a woman who the complainant identifies as Ms. Mayer at the Shea-Porter campaign office in the month leading up to the November 2014 election. SVC cannot confirm whether the individual in the photograph is, in fact, Susan Mayer. These photographs serve as the basis for complainant posing highly speculative questions such as, "How close of a relationship did Jon Bauman and Carol Shea-Porter have?" and "Was it enough for them to conspire to circumvent election laws?"

The complainant, however, does not provide any factual support for the allegation that SVC's radio advertisement was coordinated with the Shea-Porter campaign. The Complaint, instead, is filled with mere innuendo. The fact of the matter is, in 2014, Mr. Bauman traveled across the country making appearances for dozens of congressional candidates, including Congresswoman Shea-Porter, who were locked in tight elections – just as he has done in countless prior election cycles. Despite attempts by complainant to connect the events, Mr. Bauman's appearances in support of Congresswoman Shea-Porter do not meet any of the conduct standards set forth in the FEC's coordination regulations. The FEC has previously declined to pursue coordination claims where complaints were based solely on the "long-standing relationship" between a candidate and a supporter,¹ and where the alleged coordination was based on parties appearing together at political events prior to the publication of the communication at issue.² Thus, absent some actual evidence, the mere inference of coordination between Mr. Bauman and the Shea-Porter campaign is insufficient to meet the conduct standard.³

Moreover, and again without any basis, the Complaint alleges that Senior Votes Count falsified donor information contained in SVC's campaign filings presumably to "cover-up" the coordination that was allegedly taking place. SVC received a contribution from Susan Mayer. She made her contribution through Act Blue, which provided her occupation information to Senior Votes Count as "Not Employed" and listed her employer as "None." A printout of the donor's information provided to SVC by Act Blue showing her occupation/employer as "not employed" and "none" is attached for your reference. Thus, SVC accurately reported the donor's information exactly as it received the information from Act Blue, the intermediary in the

¹ MUR 5870 (Mollohan).

² MUR 6405 (Friends of John McCain), General Counsel's report.


³ MUR 6059 (Sean Parnell for Congress).

1-800-8-V-T-A-R-I-T-Y

Finally, the Complaint alleges that SVC intentionally delayed and failed to timely file independent expenditure reports for the radio advertisements in support of Congresswoman Shea-Porter. Any question with respect to the reporting of the independent expenditure has already been addressed in the Committee's response to the Commission's request for additional information dated January 5, 2015. (See <http://docquery.fec.gov/pdf/751/15950604751/15950604751.pdf>.) As reflected by that prior response, any suggestion that the Committee intentionally delayed in disclosing the radio advertisement is totally lacking in merit.

For the reasons described herein, the Complaint does not contain any facts or legal basis for asserting a possible violation of the Act by Senior Votes Count. Moreover, even had the parties engaged in the coordination alleged in the complaint, the \$3,000 radio advertisement at issue would have resulted in an excess contribution of only \$400.⁴

Very truly yours,

Very truly yours,

Stephen J. Kaufman

Enclosures

cc: Donna Rawls (via U.S. Mail and E-mail)

⁴ During the 2013-2014 election cycle, the contribution limit to a federal candidate was \$2,600 per election.

Blue⁽¹⁾

Contribution Details

[Back to contribution summary \(entity/report/37335\)](#)

Susan Mayer

\$3,110.00

28 October, 2014 at 04:17 PM

Billing Address

20 Sawyer Rd
Lee, NH 03881

Occupation / Employer

not employed
none

20 Sawyer Rd
Lee, NH 03881
United States

Contact Info

Contribution Info:

Order Number: AB16285711